

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 23-01184-CJC (SSCx)

Date: September 29, 2023

Title: BALBOA CAPITAL CORPORATION v. RC LAWNCARE INC. ET AL

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Daniel Tamayo for Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL
FOR LACK OF PROSECUTION**

In this case, Plaintiff Balboa Capital Corporation asserts that Defendant RC Lawncare Inc. breached an equipment financing agreement and Defendant Rodney Lorenza Claytor breached a personal guaranty. (Dkt. 1.) Defendants failed to respond to the Complaint, and on August 17, 2023, the Clerk entered default against them. (Dkt. 10.) On August 29, 2023, Plaintiff filed an application to the Clerk for default judgment and another application to the Clerk to tax costs. (Dkts. 11, 12.) On August 30, 2023, the Clerk issued a Notice of Deficiency, explaining, “[t]he default judgment by clerk includes a request for costs. You also filed a motion for clerk to tax costs. Please remove the costs amount in the default judgment by clerk.” (Dkt. 14.)

It is a plaintiff’s responsibility to prosecute his case diligently. *See* Fed. R. Civ. P. 41(b). Yet nearly a month after the Clerk issued the notice of deficiency, Plaintiff has taken no action. Accordingly, the Court **ORDERS** Plaintiff to show cause in writing no later than **October 6, 2023** why this action should not be dismissed for lack of prosecution. Filing the amended documents the Clerk requested will discharge this order to show cause.

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Initials of Deputy Clerk dt